

**Nos. 13-20-00261-CV & 13-20-00377-CV
(Consolidated)**

FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS

In The Court Of Appeals 12/23/2020 11:36:20 AM
Thirteenth District Of Texas At Corpus Christi S. MILLS
Clerk

CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO
POLICY NO. NAJL05000016-H87, as Subrogee of Momentum Hospitality, Inc. &
75 and Sunny Hospitality d/b/a Fairfield Inn & Suites,
Plaintiff-Appellant

v.

MAYSE & ASSOCIATES, INC. and D'AMATO CONVERSANO, INC. d/b/a
DCI ENGINEERS,
Defendants-Appellees.

**Amended [And Unopposed] Sworn Motion of Jeffrey R. Learned for
Permission to Participate *Pro Hac Vice* as Counsel For Plaintiff-Appellant**

TO THE HONORABLE JUDGES OF THIS COURT

Under the authority of the Rules Governing Admission to the Bar of Texas,
Rule XIX, attorney Jeffrey R. Learned files this Sworn Motion to Participate *Pro
Hac Vice* before this Court as counsel for Plaintiff-Appellant in these consolidated
matters. I have, in conjunction with others, worked on Plaintiff-Appellant's various
appeal briefs in these matters, and -- presuming this Motion is granted -- I will
represent Plaintiff-Appellant at the scheduled January 28, 2021 Oral Argument.

As required by Rule XIX, I state as follows:

1. I am a Partner with the law firm of Denenberg Tuffley, PLLC. My office address is 28411 Northwestern Highway, Suite 600, Southfield, Michigan 48034. My telephone number is 248-549-3900, and my fax number is 248-593-5808. My email address is jlearned@dt-law.com.

2. In this proceeding, I will be associated with Paul B. Hines, one of my Partners at Denenberg Tuffley, PLLC. Mr. Hines is a practicing attorney and a member of the State Bar of Texas -- his State Bar card number is 24104750. His office address is 28411 Northwestern Highway, Suite 600, Southfield, Michigan 48034. His telephone number is 248-549-3900, and his fax number is 248-593-5808. His email address is phines@dt-law.com.

3. I have not appeared, nor sought leave to appear or participate, in any case in any Texas court within the past two years.

4. I am an active member in good standing of the State Bar of Michigan, as well as the following federal courts:

United States Supreme Court
U.S. Court of Appeals for the 2nd Circuit
U.S. Court of Appeals for the 6th Circuit
U.S. Court of Appeals for the 7th Circuit
U.S. Court of Appeals for the 8th Circuit
U.S. Court of Appeals for the 9th Circuit
U.S. Court of Appeals for the 10th Circuit
U.S. Court of Appeals for the Federal Circuit
U.S. District Court E.D. Michigan
U.S. District Court W.D. Michigan
U.S. District Court N.D. Ohio

5. I have not been the subject of a disciplinary action by the Bar or Courts of any jurisdiction within the preceding 5 years.

6. I have not been denied admission to the courts of any State, or to any federal court, within the preceding 5 years.

7. I am familiar with the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct governing the conduct of members of the State Bar of Texas. I will at all times abide by and comply with those rules as long as this proceeding is pending, and I have not withdrawn as counsel from this proceeding.

8. As established by Exhibit A, I have made the required \$250 payment to the Texas Board of Law Examiners.

9. Pursuant to Tex. R. App. P. 10.1(a)(5), I certify that, on December 22, 2021, I emailed counsel for Defendants-Appellees -- Mayse & Associates, Inc. and D'Amato Conversano, Inc. d/b/a DCI Engineers -- seeking concurrence in this Motion. Via responsive emails on December 22, 2020 (from Paul Goldenberg - counsel for DCI) and December 23, 2020 (from Stanhope Denegre - counsel for Mayse), Defendants-Appellees indicated they do not oppose this Motion.

WHEREFORE, Jeffrey R. Learned respectfully requests that this Honorable Court grant him permission to appear *Pro Hac Vice* as counsel for Plaintiff-Appellant in these consolidated matters.

Respectfully submitted,

Denenberg Tuffley, PLLC

By: /s/ Jeffrey R. Learned

Jeffrey R. Learned (MI Bar No. P38254)

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Counsel for Plaintiff-Appellant Certain Underwriters at Lloyd's of London Subscribing To Policy No. NAJL05000016-H87, as Subrogee of Momentum Hospitality, Inc. & 75 and Sunny Hospitality d/b/a Fairfield Inn & Suites

DATED: December 23, 2020

CERTIFICATION OF SERVICE

The undersigned certifies that a copy of Amended [And Unopposed] Sworn Motion of Jeffrey R. Learned for Permission to Participate *Pro Hac Vice* as Counsel For Plaintiff-Appellant was served on the attorneys of record of all parties to the above appeal via Texas Court's e-filing system, which sends notice to counsel of record on the 23rd day of December, 2020.

/s/ Davette R. Seldon

Davette R. Seldon

Board of Law Examiners
Appointed by the Supreme Court of Texas
December 21, 2020

Jeffrey R Learned
Via: E-Mail

Acknowledgment Letter
Non-Resident Attorney Fee

According to Texas Government Code §82.0361, "a nonresident attorney requesting permission to participate in proceedings in a court in this state shall pay a fee of \$250 for each case in which the attorney is requesting to participate."

This Acknowledgement Letter serves as proof that the Board of Law Examiners has received \$250 in connection with the following matter:

Non-resident attorney: Jeffrey R Learned

Case: 13-20-00261-CV/13-20-00377-CV (Consolidated)

Texas court or body: Court of Appeals - 13th District of Texas

After satisfying the fee requirement, a non-resident attorney shall file a motion in the Texas court or body in which the non-resident attorney is requesting permission to appear. The motion shall contain the information and statements required by Rule 19(a) of the Rules Governing Admission to the Bar of Texas. The motion must be accompanied by this Acknowledgment Letter and by a motion from a resident practicing Texas attorney that contains the statements required by Rule 19(b).

The decision to grant or deny a non-resident attorney's motion for permission to participate in the proceedings in a particular cause is made by the Texas court or body in which it is filed.

For more information, please see Rule 19 of the Rules Governing Admission to the Bar of Texas and §82.0361, of the Texas Government Code, which can be found on the Board's website.

Signed,



Susan Henricks
Executive Director

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Ex A

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Paul Hines
Bar No. 24104750
phines@dt-law.com
Envelope ID: 49201142
Status as of 12/23/2020 12:25 PM CST

Associated Case Party: Certain Underwriters at Lloyd's of London Subscribing to Policy No. NAJL05000016

Name	BarNumber	Email	TimestampSubmitted	Status
Paul BHines		phines@dt-law.com	12/23/2020 11:36:20 AM	SENT
Evan J.Malinowski		emalinowski@dt-law.com	12/23/2020 11:36:20 AM	SENT
Michael R.Marx		mmarx@dt-law.com	12/23/2020 11:36:20 AM	SENT
Davette Seldon		dseldon@dt-law.com	12/23/2020 11:36:20 AM	SENT

Associated Case Party: KK Builders, LLC, D'Amato Conversano, Inc d/b/a DCI Engineers, 1113 Structural Engineers, PLLC and Mayse & Associates, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Sachi A.Dave		sdave@patellegal.com	12/23/2020 11:36:20 AM	SENT
William Luyties		wkl@lorancethompson.com	12/23/2020 11:36:20 AM	SENT
Mark Youngjohn		myoungjohn@donatominxbrown.com	12/23/2020 11:36:20 AM	SENT
Richard A.Capshaw		richard@capslaw.com	12/23/2020 11:36:20 AM	SENT
Stanhope B.Denegre		stan@capslaw.com	12/23/2020 11:36:20 AM	SENT